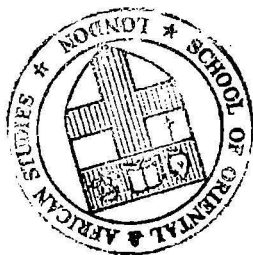


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CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Monday, the 9th March, 1953

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OFFICIAL REPORT

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THE
CONSTITUENT ASSEMBLY OF PAKISTAN
DEBATES

**Official Report of the Thirteenth Session of the Constituent
Assembly of Pakistan**

Volume XIII—1953

CONSTITUENT ASSEMBLY OF PAKISTAN

Monday, the 9th March, 1953

The Constituent Assembly of Pakistan met in the Assembly Chamber, Karachi, at Ten of the Clock, being the First Day of the Thirteenth Session of the Constituent Assembly of Pakistan, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

The proceedings began with a recitation from the Holy Quran by the Honourable Mr. Ghyasuddin Pathan.

CONDOLENCES ON THE DEMISE OF GENERALISSIMO STALIN

The Honourable Khwaja Nazimuddin (Leader of the House) : *Sir, as the House is aware, Generalissimo Stalin passed away, after a sudden and brief illness. For about three decades, he guided the destinies of the nations forming the Soviet Union. His great ability and foresight were largely responsible for consolidating the Communist Revolution in Russia and her allied countries; he took over charge after Lenin, at a time, when it was still doubtful whether the new regime would succeed. With his great courage, his remarkable powers of organisation and leadership, he succeeded in building up the Soviet Union into a leading country in the world. I take this opportunity of expressing my grief at his death and sympathise with the peoples of the Soviet Union in their bereavement. I feel confident that this House will associate itself with these feelings, and would desire you to convey them, on its behalf, to the peoples and Government of the Soviet Union.

Shri Sris Chandra Chattopadhyaya (Leader of the Opposition) : I sincerely associate myself and members on this side with the expression of condolence so nicely expressed by Khwaja Nazimuddin. Stalin, you will find from history, was the son of a cobbler. From that position he rose to one of the highest positions in the world. His mother wanted to make him a priest of an orthodox school, and he was sent to a theological college. But afterwards he was expelled from that college because he was thought politically undesirable. That is the early life of Stalin.

* Speech not corrected by the Honourable Member.

[Shri Sris Chandra Chattopadhyaya.]

Coming out of that college, of course, say whatever you may, he always tried to do mischief against the Czarist Government and police rule in Russia and practically he lived all his life in exile. He was a hunted man. Sometimes he used to be arrested and sent to Siberia from where he escaped. In this way he spent 17 years of his life. He was finally released in 1917 after the abdication of Czar, and you know the history of what became of the Czar and his family. After the Revolution of 1917 there was a new set-up—Lenin, Stalin and Trotsky. Lenin was for Administration; Trotsky organised the Red Army and Stalin was authorised to collect foodstuffs from South Russia. That is his beginning. After the death of Lenin he became the head of the U. S. S. R. He was a very strong man, and he was a man of peace. You will find even after the Second World War there is trouble all over the world. There is fighting going on. Russia, i.e., U. S. S. R. under Stalin, did not join any of these fighting parties. Even in Korea, though the whole world—fourteen States—joined against North Korea to crush it, he did not join Northern Korea although it is a Communist country. He had friendly relations with Nationalist China—Chiang Kai-Shek's Government. That was Stalin. We are, therefore, sincerely sorry that he died at this stage when there is a dark cloud over the whole world. He was really a great man. I do not now wish to take much time of the House. I again associate myself with the resolution and with the expression of sympathy to the bereaved family—I think he has got only two daughters left.

Mr. President: The Chair associates itself with the sentiments expressed by the various sections of the House on the death of Marshal Stalin. He not only enjoyed the unrivalled confidence of his people but also wielded the greatest possible influence in shaping the destiny of the world during a long and a very critical period of human history. The removal of such a colossal personality from the arena of the world by the hand of Death is an event of utmost significance and has a poignance all its own. The people of Pakistan are in full sympathy with their fellow human beings, the great people of Russia, in their bereavement and irreparable loss. I believe it must be the desire of this House to send, as proposed by the Honourable Khwaja Nazimuddin, a message of sympathy to the people of Russia and particularly to the members of the bereaved family. And I hope that as a mark of assent to the proposal, Honourable Members will kindly rise in their seats and remain standing for two minutes in silence.

The Members then rose in their seats and stood silent for two minutes.

Mr. President: Thank you, gentlemen. Secretary will take necessary action.

NOMINATION ON THE PANEL OF CHAIRMEN

Mr. President: I have to inform the House that under the provisions of Rule 12 of the Constituent Assembly Rules, I nominate the following Members on the Panel of Chairmen:—

1. The Honourable Mr. Nurul Amin,
2. Mr. M. H. Gazder,
3. Begum Jahan Ara Shah Nawaz, and
4. Shri Sris Chandra Chattopadhyaya.

ANNOUNCEMENT RE NOMINATION AND ELECTION OF MEMBERS TO THE STANDING FINANCE COMMITTEE FOR THE FINANCIAL YEAR 1953-54

Mr. President: I have to make another announcement. I have to inform the Honourable Members that in pursuance of Rule 64 of the Constituent Assembly Rules, the Finance Committee of the Constituent Assembly has to be set up for the financial year, viz., 1953-54. I have, therefore, to inform the House that nominations for the purpose of election to the said Committee will be received in the Notice Office up to 4 P.M. on Thursday, the 12th March, 1953, and that the election, if necessary, will be held on Tuesday, the 17th March, 1953, in the Joint Secretary's Room in the Assembly Building between the hours of 10-30 A.M and 1 P.M.

Under Rule 87 of the said Rules election will be conducted on the basis of proportional representation by means of the single transferable vote.

THE EAST BENGAL LEGISLATIVE ASSEMBLY (CONTINUANCE) BILL

The Honourable Pirzada Abdus Sattar Abdur Rahman (Sind : Muslim) : Sir, I beg to introduce a Bill to provide for the continuance of the present Legislative Assembly of East Bengal.

(After a pause.)

The Honourable Pirzada Abdus Sattar Abdur Rahman : Sir, I move :

"That the Bill to provide for the continuance of the present Legislative Assembly of East Bengal be taken into consideration."

Sir, the Honourable House is aware that preparations for holding general elections in East Bengal are in hand and actually a Delimitation Committee had been appointed some time back. They submitted their report and after that invited objections. Those objections have been considered by the Committee and their report is shortly awaited. After the report, the procedure will be that according to the constituencies so delimited, electoral rolls will have to be prepared by the Provincial Government, and after the first publication, objections will be invited to the rolls and then finalised in accordance with the rules of the East Bengal Legislative Assembly Elections. Then after that, final publication will be made and nomination papers invited and elections held. This procedure, it is anticipated, will take the elections up to the cold weather, which will mean December or January and in the meanwhile the life of the present Legislature expires on the 14th March this year. The alternative under the Constitution is to let the Assembly get dissolved and let the present Ministry continue as a Care-Taker Government, without the Legislative Assembly, or to apply Section 92 (A) and then hold the elections and have the new Assembly. The present Ministry is functioning and it is far better if the representatives of the people are also there until the elections are held and the Legislative Assembly keeps functioning. It is no use depriving the people of their representatives functioning when the Ministry is also functioning and it is worse to have 92(A) and do away with the representatives of the people in the Legislature, as well as in the Ministry. Therefore, it is necessary that the life of the present Assembly be extended by one year. One year does not really mean that strictly the Assembly will be carried up to the 14th March, 1954. This is only to cover the time that will be taken in holding the elections, putting the new Legislature in office and the new Ministry functioning. The intention is that as soon as this is completed,

[The Hon'ble Pirzada Abdus Sattar Abdur Rahman.]

the elections are held and the new Legislative Assembly starts functioning, by that time the old Assembly will be dissolved and the new Members will come in. It should not be apprehended that by this it is intended to prolong the holding of the elections even by a day. The normal programme of the elections is being adhered to and this is only to provide representative Legislative Assembly for that period in East Bengal. Therefore, Sir, from that point of view, I consider it absolutely necessary that the life of the present Assembly be extended and it should be continued till such time as the elections are held.

Mr. Bhabesh Chandra Nandy (East Bengal: General): Sir, I move:

"That the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st of March, 1953."

Sir, I am not going to make any long speech, but I would like to point out to this august House that we as Members of this House, as representatives of the people, cannot merely act as a rubber stamp of the Executive Government of the country. If we mean to exercise our discretion, if we mean to act according to the dictates of the people we represent, if we really want to feel the pulse of the people, the real and genuine demands of the nation, and to act accordingly, then we should just try to know the actual situation, under which this extension is asked for. Sir, you know that a motion of the Constituent Assembly asking for an extension is not new, but the way it is asked for and the break-neck haste with which this Bill is tried to be piloted through, have created very serious suspicion in the minds of the people of East Bengal.

Sir, you know that the Members of this Assembly—I mean the East Bengal Legislative Assembly—Were elected in 1947. Really speaking five years' term expired in 1951, but by various devices extension was given up to 1952. Then again it was extended to 1953 and now it is asked that it should be extended upto 1954. God knows what will happen in March 1954 again. Sir, you know that the elections were held at a time when we were not free, when the composition of the people of East Bengal was otherwise, when the political outlook of the nation was otherwise, when the ambitions of the people were different, because the people were under the foreign Government in the country. Under those circumstance, elections were held. Since then the entire situation has changed. The nation is now moving ahead with new ambitions, with new outlook and with a new ideology. Their ambition is to build a nation, their constitution and their future in a new frame. So as a matter of fact those representatives who were elected at that period have now ceased to have their representative character. Besides that, if you look to the composition of the House, you find that in a House of 170, there are 30 seats vacant. Sir, you will be surprised to know that in the district of Faridpur where the number of Caste Hindus come up to more than 2 lakhs, for the last three years, there is no representative in the Legislative Assembly for those Caste Hindus of the district of Faridpur. This is only one example. This is the position throughout the province. Sir, there are 30 seats vacant—both Hindus and Muslims. At one time there was a bye-election for a seat in Tangail, Mymensingh where the Government pooled their entire resources and mobilised every ounce of their energy and yet they got a heavy defeat. Since then, like a burnt child dreading fire, they dare not face any bye-elections,

Sir, in a House of 170, if 30 seats remain vacant, then imagine how many million people remain unrepresented ! The House cannot be called a representative House. The Government in East Bengal have no self-confidence and they do not venture to face any public. Sir, we do not know how the situation will ever improve. Besides these 30 seats vacant, 6 Members of the Bengal Legislative Assembly are rotting in jail because they could not act as docile "yes-men" of the Ministry there. Sir, this is the position in which extension of the Legislative Assembly is asked for. Sir, I do not grudge whether Mr. Nurul Amin rules or misrules Bengal for another five years, but what I am going to impress upon the Honourable Members here is this that for this new State we are trying to make an exemplary form of Parliamentary Government. You know, Sir, that in this world, parliamentary system of Government is on trial ; there are very serious criticisms against it. Now, we have made very good promises in the Objectives Resolution ; we have given very good assurances to the people of Pakistan. Now, only by making a Constitution we cannot create confidence in the people. We must try to build up a political tradition ; we must try to create confidence in the people ; we must build up such a political tradition as that people of East Bengal as well as the people of entire Pakistan are assured that the Executive Government is not trying to grab more power at the cost of the people. Sir, it is a very serious problem. Nobody can say that the Ministry in East Bengal is commanding confidence of the people. By keeping a set of people in jail who are not "yes-men" of the Ministry of East Bengal, they have proved how they are ruling. Nobody believes that the Ministry is commanding any confidence of the nation. If they have little self-confidence, let them come and face any bye-election. Why do they keep it in abeyance and ask extension for the life of the Assembly. Sir, I fail to understand why they are asking for extension. They should be ashamed.

The Honourable Member in introducing this Bill has said that the popular representatives should be there. But is it any argument ? How many times a year do these representatives meet in East Bengal ? After meeting in the Budget Session, they will never meet again. This I can speak from past records. Even if they meet for seven days or so in October or November, is there any justification for incurring such a heavy expenditure for keeping this Assembly for one year more ? Is there any feeling of confidence that they can create by maintaining those legislators who have ceased to be representatives of the people because of the change of circumstances ? I cannot understand how Mr. Nurul Amin or our Government can propose extension just in such a way ? Only 45 days ago we were meeting here in the month of January. Government could have anticipated that elections could not be completed by 14th March, 1953, when the life of the Assembly was going to expire and they should have come with this move. But they kept mum absolutely and now all of a sudden, they introduced this Bill and without giving any time for its consideration they are having discussion of the Bill with a break-neck haste. What does it indicate ? Does it not indicate that the Government do not command confidence of the people and that is why they have not given sufficient time for its consideration, lest opposition be very strong. Is it not a fact that the Government is afraid of the public opinion, lest public opinion be mobilised against it and create serious opposition. I do not understand why do they ask for this extension in such a way. They could have easily asked for extension in the month of January when there was sufficient time, when members could consult their constituencies, when the Honourable Members could know what was the real feeling of the East Bengal people. Now, if this august body passes this Bill in such a haste, without going into the merits and demerits of the

[Mr. Bhabesh Chandra Nandy.]

Bill, I am sure they will be acting as mere rubber-stamp of what the executive authority ask for. This we are not expected to be. So, I appeal to the Members of this House to realise the implications of this small Bill which will create such a bad tradition, such a bad political tradition in our history, which will create such bitterness in the body politic that the Government will not be able to dispel. Sir, in a new State we should move very cautiously and see what is the best thing for creating confidence of the nation. We should never create such a situation whereby people may have reason to suspect that the Government is trying simply to grab power or is monopolising power by limiting the liberties of the people. Sir, I think that should be the first consideration. It is not the question who forms the Cabinet; it is not the question who rules in Bengal, but it is a question of observing the noble principle of liberty and democracy that Pakistan enunciated. That is the primary thing, to consider: otherwise simply asking for extension is not a new thing. But the circumstances under which it is asked for and the way it is asked for, shows that the public opinion is flouted. It is disregarded. These are very serious things. If we create such a bad precedent, such a bad political tradition in our political history, I am afraid there will be a cleavage between the people and the Government. People will think that the Government is not their own but some distinct body monopolising power and just grabbing more power. The East Bengal Government should be ashamed of this policy. So, Sir, I appeal to the Honourable Members to consider all these facts before they pass this Bill. Of course, somebody may point out that there is no time for circulation, but then who is to blame for that. It was at the disposal of the Government to bring the Bill earlier. They could have moved this Bill much earlier. Why did they not bring this Bill in last January when we were meeting here. We met only twice then. All the Members were idle here. We could discuss. We could know the feeling of the people of Bengal and then take some decision. So, Sir, I take very serious objection to what is going to be done and I appeal to the Honourable Member again to consider these facts and they must also consider at the same time that it is not a question whether the Bengal Legislative Assembly continues for one or two years more but that will create very bad name, that will put us in a very awkward position if we agree to this Bill. So finally I appeal to the Members and I hope they will agree to what I have said. Thank you.

Mr. President: Amendment moved:

"That the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st March, 1953."

Shri Sris Chandra Chattopadhyaya (East Bengal: General): Sir, I oppose the amendment and the consideration of the Bill.

Mr. President: Do you oppose the amendment?

Shri Sris Chandra Chattopadhyaya: I oppose everything. My point is this that we have got no authority to extend the life of East Bengal Assembly without amendment of Section 61 of the Government of India Act, 1935. Besides we cannot give life to a dead horse. East Bengal Assembly is dead long ago. At present practically and really there is no legally constituted East Bengal Assembly. The authorities are only usurping that power. It died long ago. Section 61 of the Government of India Act, 1935, clause 2, says that every Legislative Assembly of every Province, unless sooner dissolved, shall continue for five years from the date appointed for the first meeting and no longer, and the expiration of

the said period of five years shall operate as a dissolution of the Assembly. Under Section 61 Assembly goes automatically at the expiration of five years. Here there is no provision of any higher body even to extend the life or postpone the elections after five years. I shall show presently that we have got no power. I know and I think the President also knows how this East Bengal Assembly was formed. After partition the Members of the United Bengal were divided into two groups, one group, consisting of the members coming from East Bengal districts, formed the East Bengal Assembly and the other group from the West Bengal Districts formed the West Bengal Assembly and that division took place as far as I remember—of course you, Mr. President, were member there, you can say, Mr. Afzal was Secretary there, he can say—on the 20th of June. It may be 20th or 22nd. I was not a member. I was not even in Bengal then. At that time I was in Delhi. On the 20th or the 22nd of June, therefore, East Bengal Assembly came into existence. There is no doubt about it. Khwaja Sahib also knows. He was also a Member. The first meeting of the Assembly took place on the 5th of July, 1947. It may be on the 4th of July also. There were two sittings, i.e., on the 4th and 5th. On the 4th the Muslim Members of the East Bengal Assembly were summoned to elect Muslim members to the Constituent Assembly. I think the members from the Muslim group were elected either on the 4th or 6th but so far as we are concerned we were elected on the 5th of July, 1947, by the non-Muslim members. Calculating from that date as the first meeting five years must have elapsed on the 4th or 5th of July, 1952. Therefore, I say this is a dead horse. The life of the Assembly was extinguished on the 5th of July. You will see that this is a very salutary provision made advisedly so that the executives in future by manoeuvring may not extend the life of the Assembly. This is a check upon the party in power. It automatically goes. There is no question of dissolution as in Section 62, clause (2). That is my first point. During the War in 1941, an Act was enacted by the British Parliament called the India and Burma Postponement of Election Act. I think there were some provisions there to extend the life during the War period or during the emergency. That power was granted to the authority to postpone the election only during the war period and the definition of the war period is also there. War has ended and therefore that Act is ineffective now.

Now there is no war and as such the life of the East Bengal Assembly cannot be extended by this Assembly and arbitrarily. This is so far as the legal aspect is concerned. As regards propriety, it is simply scandalous. It is a scandalous thing to extend the life of the East Bengal Assembly. My friend Mr. Pirzada says that otherwise there will be no representative body and elections have to be conducted by the Governor. I do not mind if elections are conducted by the Governor or Section 92A is applied or there is a Care-Taker Government because the present Assembly is not a representative body and the people have not any confidence in the present Ministry.

You will find that there are 171 members in the East Bengal Assembly in the list of Members. I am quoting from a statement prepared by an authorised body, the East Bengal authorities. It is a statement or something like that. It may not be said hereafter that I have made misstatement. Now out of 171 seats 30 seats are lying vacant from the very beginning of the East Bengal Assembly, that is from 1948. You will find that some important districts have gone unrepresented. For instance, Karimganj and Bakarganj. Many of them are from minorities who have only a few representatives. You will find many number of minority seats kept vacant and with a purpose. They ought to have filled them up long ago, they ought to have conducted elections in those cases. Who was responsible for these elections? I think the East Bengal Government and

[Shri Sris Chandra Chathpadhyaya.]

not the Central Government. The work of holding the elections of a province, I think, is the responsibility of the East Bengal Government. Now Karimganj. This is a minority seat, a General seat; then Dacca (East), Dinajpur and Faridpur. They are minority seats. You will find East Bengal Planting is unrepresented. This is minority seat. All these seats are vacant. You will find Dinajpur unrepresented. These are minority seats. Then Dinajpur (G. S.)! This is minority seat. Dinajpur seats are left vacant from the beginning. Then again Kushtia, minority seat. Chittagong Landholders: landholders are not represented. Railway Trade Union. This is a Muslim seat. Pabna East, Muslim seat. Water Transport, Dacca Central, Muslim seats; Bogra, Muslim seat; Sunamganj, Muslim seat; Habibganj, North, Minority seat; Jessore West, Muslim seat; Dacca East, General Minority seat. Then University seat also. There are only 2,000 or 3,000 voters in the University constituency and the election did not take place of the University seat even. It was not very difficult to conduct election there. It is by ballot and that could be taken by sending ballot by registered post. Then Dacca Landholders, Mymensingh East, Minority seats; Sunamganj Central, Muslim seat; Pabna West, Muslim seat; Jessore East, Muslim seat; and Mymensingh West, Muslim seat. About 10 minority seats are kept vacant and still you must say that it is a representative body.

Now, these 30 seats are lying vacant for the last four years. On the contrary, I find that they held elections in some places where they find it necessary for their own purpose. You will find that on 1st June, 1948, there had been election. For whom? For Honourable Mr. Hasan Ali. He was made a Minister and so some arrangement ought to be made for his election from some convenient constituency. He was elected on 1st June, 1948. I can show you, Sir, from the list that there were 2 or 3 vacant seats filled up, and all were Muslim seats and they were filled up with a purpose—to make provision for their favourites. Honourable Khwaja Nazimuddin was elected from somewhere. Here I would draw the attention of my esteemed friends. Can you call it a representative body? It is not a representative body. It is ruled by a coterie, as my friend said, with some "yes" men. The minority has only a few seats. I ask why so many minority seats are kept vacant? Why these seats have been kept vacant? Because the party in power is afraid of facing elections after their miserable defeat in Tangail. Besides keeping these seats vacant they have devised a second method to reduce the number of the Opposition members by removing six inconvenient members behind the prison bars under the handy Safety Act such as Tarkabagish Mr. Khairat Hussain who is a Muslim and Mr. Osman Ali, and from the minorities, Bannerjee, Gobinda Lal, Satindra Nath Sen and Manoranjan Dhar. You read the proceedings of the East Bengal Assembly and you will see that they made themselves inconvenient for these people and they have been under arrest for the last one year or so. We know very well that they cannot be anti-Pakistani. They are bent upon to improve the condition of the people, politically, economically and socially, and that was their great offence. If Manoranjan Dhar is an anti-Pakistani then you can say we are all anti-Pakistanis. I know Manoranjan Dhar. He worked under me as Secretary of the Pakistan Congress. I know him. I know his opinions. Of course, he was a Revolutionary in the British period. He went to jail. All of us—Manoranjan Dhar, Satindra Nath Sen and others—created trouble against our erstwhile masters, the Britishers and you also did that, Mr. President! But this is a different matter. If he had any idea of having any subversive movement, Manoranjan Dhar would not have married a few months before his arrest; if he knew that he was doing anything anti-Government he would

definitely not have married. I think Khwaja Nazimuddin also will agree with me when I say this because I got two young men released through him saying that they were recently married. He said that there were serious charges against them but when I drew his attention that they had recently married he uttered that word thrice "Married, married, married". Of course he gave me little hope but when I went back to Dacca I got a letter saying that they had been discharged. I still remember he uttered the word "Married, married, married" thrice. If they are indulging in any subversive activities they cannot marry; they would not marry because those who act know what they are doing and that they are playing with fire and they do not think of marrying. But I think because he fought for the interest of minorities, for the minority community, while a member of the Minority Commission, he incurred the displeasure of the powers that be and that I think was the real cause of his detention. It is not impossible to procure suborn witnesses. I do not believe any word of them; I can create any amount of evidence; I can cite three or four witnesses telling any kind of lies against any honest man; that is possible. You can get that; I know it from my own personal experience; you can have any false allegations testified by any number of witnesses; that is the situation. I am sure that my esteemed friends, the members of this Assembly—an august body—will understand the position and not extend the life of this miserable body. And it cannot be done legally—even if that point goes against me—it ought not to be done, because that decision of extension will not be proper. People of East Bengal will not like it and will condemn our action. They will say there was sufficient time and instead of extending the life of the Assembly beyond the 14th of March there ought to have been election and why did they delay the election? What was there in East Bengal? East Bengal was in normal condition, except, I say, in February 1950. I do not find anything to my knowledge, except things like ousting the people from their houses forcibly and occupying them and requisitioning the houses by the authorities unnecessarily for giving shelter sometimes to their relations. I hear that one Minister has requisitioned some houses of the minority communities to be occupied by his relations. I will not name him. Those things have been going on but what was there to prevent elections being held last year or in the last summer? I think this election took place in September or October of 1946.

The Honourable Mr. Nurul Amin (East Bengal : Muslim) : No.

Shri Sris Chandra Chattopadhyaya : When?

The Honourable Mr. Nurul Amin : January.

Shri Sris Chandra Chattopadhyaya : So long ago—January?—very good! You could have held election in January if you were anxious to do so; that would not have been difficult. You could have brought in a Bill long ago. I remember that quite long ago you passed election laws for the Frontier, the Punjab and Sind, and we thought that East Bengal also would be coming; but no! I thought it would be done after that; that East Bengal would automatically follow but nothing was done after we had passed those laws last time. Why this delay? When it was definitely known and had been calculated that the life of the present Assembly would come to an end on the 4th March, 1953, why could not something be done earlier? And now this situation has been created—to draw your sympathy! I am the last man to show any sympathy in a wrong cause. You may have my sympathy in a proper cause—an honest cause—but in a wrong cause I do not show any sympathy. Why did you not think of elections beforehand? It is not a very difficult thing. Such elections have recently been held throughout India and you have been holding elections here also. You have also elected some Muslim seats

[Shri Sris Chandra Chattopadhyaya.]

during this period—of course, inconvenient seats were kept vacant—but you could do that. Even equity does not help the lazy fellow. Equitably also it is not desirable to help him and, as you say even God does not help one who does not help himself. Now at the last moment, when there is the stage of gasping—when one is on the point of death—you come before this House and say “Please, we poor people, we are earning so much as Members of the Legislature and also in other ways, please prolong our life for some time; let us enjoy it for some time more.” In that case you should ask the people of East Bengal. They do not want the extension of the life of the Assembly or postponement of election. They do not want the present administration. We represent the minorities and we do not participate in this controversy. Have you the majority behind you? From every platform they have asked for the dissolution of this Assembly and dismissal of the Ministry also. That is the general public opinion. I do not think there has been any Resolution from any Association—not even from any Muslim League Association—asking for extension of the life or postponement of election. In fact there has been nobody to bless this blessed Assembly and that Administration. The party in power will not hold election and they will try to avoid the evil day. They cannot face the day of reckoning. The people of East Bengal are in miserable condition economically. Before long I had been in East Bengal and everywhere not only Hindus but even the Muslims complained to me about high cost of living beyond their purchasing capacity. They are without food, without cloth, without education and without medical help.

I remember that a portion of the house of a big man in Dacca was requisitioned, only a portion of it. I persuaded them to give up that portion without fighting and Khwaja Nazimuddin, the then Chief Minister of East Bengal, said that “I shall not keep it more than six months.” You will be surprised that after he left Dacca the entire house was requisitioned compelling them to leave Pakistan. You know that Mr. Jogesh was a very respectable person. I have seen him and I could not recognize him at all. He was a miserable man. He said his entire house, that big house with library and hospital, was requisitioned. The house was well known when people used to come, there to have a look only. Roop Babu's House and Ahsan Manzil were a favourite resort of the sight-seers.

Mr. President: Are all these details connected with the Bill?

Shri Sris Chandra Chattopadhyaya: Yes, this is the way they are administering the country and as such it ought not to be allowed to continue. There should be no sympathy for them. It is a corrupt, unwanted and inefficient body. It ought not to be given further lease of life.

Mr. Prem Hari Barma (East Bengal: General): I support the circulation motion moved by Mr. B. C. Nandy and in support of that circulation motion I want to say a few words. Sir, the Members of this Assembly were elected in 1946 when Bengal was not divided into Pakistan and India. According to sub-section (2) of Section 61, which has not been amended up till now, the life of East Bengal Assembly automatically expired after five years from the date appointed for the first meeting after the general election in 1946. But in contravention of provision of section 61 of the Government of India Act, 1935, this Bill has been brought in to prolong the life of East Bengal Assembly which ought to have expired some time in 1951 or so when five years were completed from the date of first meeting of the East Bengal Legislative Assembly after the general elections. This term of five years has been extended by putting the interpretation that the life of the East Bengal Assembly should be taken from the date when the Members of East Bengal Assembly took

fresh oath of office and met for the first time on the 14th of March, 1948, after partition. According to this interpretation the life of East Bengal Assembly expires on the 14th March, 1953. If this interpretation is taken to be correct, Government should have taken steps to have general elections in time but the Government have been sleeping so long and have not taken any step to hold general elections in East Bengal. And now that four or five days are left for the automatic expiry of the life of East Bengal Assembly, Government have come forward with this Bill to prolong the life of East Bengal Assembly, overriding the clear provisions of sub-section (2) of Section 61 of the Government of India Act, which clearly lays down that Legislative Assembly of every Province, unless sooner dissolved, shall continue for five years from the date appointed for the first meeting and no longer than that. Now on the expiration of those five years the dissolution of the Assembly should occur automatically. Sir, during the last session the Constituent Assembly remained in session from 22nd December, 1952 to 21st January, 1953, without transacting a single business and thereby wasted a huge amount of public money. Government ought to have brought this Bill during the last session and have it passed after consulting public opinion whether the life of the East Bengal Assembly should be prolonged or there should be general elections. Sir, the people of East Bengal are anxious to have general election but the Government is afraid of facing general elections for reasons best known to them. The fact that the Government is unwilling to face general elections clearly indicates its position in the country. Sir, Government, far from facing general elections, have not even held bye-elections for as many as 30 seats and they are already lying vacant and have not been filled up. Apart from the casual vacancies from time to time Government have not filled up 3 non-Muslim seats of Dinajpur district since partition in 1947. Dinajpur district being partitioned the Non-Muslim members whose constituency was the entire district lost their seats on partition of the district. The non-Muslims of Dinajpur district submitted various representations to the Prime Minister of Pakistan when he visited Dinajpur but in spite of assurances of the Prime Minister, no election has up till now been held to fill up the three non-Muslim seats and non-Muslims of Dinajpur district are still unrepresented in the East Bengal Assembly. Sir, what is the reason of this non-filling of seats? The fact of not having the courage to face a general or even bye-election clearly shows that the Government, or in other words, the party in power, is conscious of its weak position in the country and does not wish to face the electorate. Sir, this Bill should not be rushed through without ascertaining the opinion of East Bengal people whether they want general election to send in their representatives or desire prolongation of present Assembly. I feel that they do not want prolongation of the life of East Bengal Assembly and if the Government passed this Bill prolonging the life of the Assembly, it will certainly lose whatever little popularity it has in that part of the country. It is not just and fair for the present East Bengal Government to carry on without having any general election and without giving the people of East Bengal an opportunity to elect their representatives. I hope that this circulation motion will be accepted by the House and opinion of the people of East Bengal should be taken before passing this Bill.

With these few words, I support the circulation motion.

Sardar Asadullah Jan Khan (N.-W. F. P. : Muslim) : Mr. President, I rise in support of the amendment and against the consideration of the Bill. Sir, different persons think differently. When I differ from the Government it is not with a view to give them pain. Sir, when divested of all courteous words and phrases this Bill comes to this ; No. 1, that

[Mr. Prem Hari Barma.]

the Government want to keep into saddle the Ministry of Honourable Mr. Nurul Amin. It gives to the trusted adherents the reward that they should remain legislators for one year more. What would be the result of such a Bill. We are going to disenfranchise 30 million citizens of Pakistan, when we gave them adult franchise.

Sir, here I am reminded of the words of the German savant, Max Weber. He says: "Whether legality is to be accepted as legitimacy, then indeed, everything can be made legitimate—even the presentday dictatorship."

Sir, we cease to remain constituents when we disenfranchise even a single citizen of Pakistan. We have no authority to do so by such sort of legislation. We are going to undermine democracy. When adult franchise was granted to the citizens of Pakistan it was a boon. We quite forgot that it was a dream as it was done after the French Revolution. They in France tried to have recourse to adult franchise after Revolution to revive twice the Napoleonic tyranny and once in Germany to impose upon Germans the Iron Chancellor, Prince Bismark.

Democracy will become a myth if we have to resort to such kind of legislation. Let the present Ministry be the Interim Ministry and the Governor should go on with the Administration.

With these words, I resume my seat.

The Honourable Khwaja Nazimuddin (East Bengal : Muslim) : Sir, I listened with very great attention to the speeches that have been made proposing the amendment and opposing the Bill, and especially Mr. Sris Chandra Chattopadhyaya's speech, opposing his own party's amendment and at the same time opposing the Bill also.

Sir, if we cut out all the verbiage, the substance of the arguments placed before this House comes to this that because 30 seats are vacant in the Legislative Assembly of East Pakistan, because people of those areas have not been represented, therefore, let the rest of the people of East Bengal go unrepresented also. In a nutshell this is what it means. What has surprised me most is that the champions of democracy have come forward and suggested that there should be no parliamentary system there, but there should be Section 92-A rule. That is a thing which I cannot understand. It has always been contended on the other side that good, bad, or indifferent, a representative system of Government is better than the rule by the Governor under Section 92-A. But today these very gentlemen come forward and say: "No! Do away with the representatives of the people; let the Governor rule the Province." They realise that it is not possible to have an election till 1954 and yet, knowing this fact, they are opposing the extension of the life of the Legislature so that there may remain no representatives of the people to run the administration of that part of the country.

So, I consider, Sir, that the opposition has got no legs to stand.

Then there remains one other criticism which has been levelled and that is: "Why did you not come forward earlier with this proposal?" I cannot see what difference it can make. After all if the Honourable Members' contention is that if we had come earlier, they would have created an agitation and started Direct Action and prevented us from going on with the Bill, well, then again, that is the negation of the parliamentary and democratic system of Government. After all, whether or

not the people are in favour of a Government can only be proved in a democratic system of Government by means of elections. As far as the Central Government is concerned, I would like to inform this House and the people of Pakistan that whenever the occasion arose for holding elections, we have held elections. In the Provinces, we first of all widened the franchise; made it adult franchise, and then on the basis of adult franchise we held the elections in the Punjab; we held the elections in the N.-W. F. P.; we held the elections in Bahawalpur and *Insha Allah* very soon there will be elections in Sind. As the elections become due we hold the elections, and for two reasons: there are people who keep on asserting that the present Government and the Muslim League Party has not the backing of the people, has got no support behind them. Well! What is the test? The test is the holding of the elections, and we have faced the elections. They cannot say that we have avoided elections anywhere. In the Punjab when the time came, in due course elections were held. Of course, it is easy to say when a party loses, that the elections are unfair. I maintain, Sir, that the elections in the Punjab were as fair as any that have been held in the sub-continent of India during the last 30 years. There was no Ministry there. We had a Governor, and a Governor who is a conscientious and responsible member of the Muslim League. He made it his duty to see that there was nothing unfair in the elections in the Punjab. The same can be claimed on behalf of other elections. We gave proof as far as Bahawalpur elections were concerned. As there was some doubt we cancelled the election to ensure fair elections and we had fair elections. After the elections the party that loses comes forward and says the same thing. The same thing happened in India; the party that lost complained that the elections were not fair! In spite of the difficulties and shortness of time we have asked the Governor of Sind to hold the elections as early as possible so that it cannot be said that we are not facing the electorate; that we have got no support. *Insha Allah*, as far as the elections in East Bengal are concerned, we will be able to show that the present Government at the Centre, the Ministry and the Muslim League Party, has the backing and support of the masses in East Bengal. Any assertions can be made until the elections are held. I hope *Insha Allah-Ta ala* we shall succeed as we have succeeded at other places.

Now, Sir, there is only one other thing I would like to say and that is as to why this delay has taken place in bringing up this Bill. It has been said that it could have been put forward earlier. One of the reasons, Sir, why—unfortunately—we could not be ready to hold the elections in East Pakistan this year was our consideration for the viewpoints of the gentlemen on the opposite side. As you are aware, the question as to whether there should be a separate electorate or a joint electorate was under discussion. The Members on the opposite side feel very strongly that there should be a joint electorate. There were others belonging to the same community who feel that there should be a separate electorate, and at the same time this question was also before the Committee on the Fundamental Rights and Minorities. Naturally, you cannot have delimitation of constituencies until and unless this question is settled. It was a difficult question. We wanted to give full consideration to the views and opinions held by the Members on the opposite side. We had also to take into consideration the demand put forward by a large section of the Scheduled Castes for a separate electorate. It is these considerations that delayed the Government in reaching a final decision over the main issue. Hence the delay in appointing a Delimitation Committee and in taking necessary steps for the holding of the elections. I can assure this House that, *Insha Allah*, according to the programme, elections will be held in East Pakistan before the expiry of the life of the Assembly as proposed,

[The Hon'ble Khwaja Nazimuddin.]

and we shall try our utmost and see that there is no further delay. I have been assured also by the Chief Minister that he was anxious that elections should be held as early as possible. Even before our decisions were taken, he had given instruction for the preparation of electoral rolls on the basis of adult franchise, so that as soon as the constituencies are delimited, it is possible to get the electoral rolls ready in the shortest possible time and then to be in a position to hold the elections as early as possible. Therefore, Sir, the main question is that you should not have Section 92A unless you find that you cannot carry on with the Parliamentary System of Government. It is only when you are not in a position to work the Constitution that you have to resort to Section 92A. There is no reason put forward, no justification has been given, why the Assembly should not continue, why the representatives of the people should not be allowed to continue, why the Ministry who is responsible to the people should not be there and that instead of these, there should be either the Governor or the Advisers or a Care-Taker Ministry, which means that the representatives of the people will have no voice whatsoever. It is not understood why these persons—in spite of the fact that there is a general desire to retain the Ministry—want to get it out by some means or other. They know they cannot get it out by the legitimate democratic method of a vote of no-confidence.

The Honourable Pirzada Abdus Sattar Abdur Rahman: Sir, the Honourable Prime Minister has already replied to most of the points raised by the Opposition, but there was one point over which the Leader of the Opposition devoted some time. I think it was not a proper understanding of the constitutional position that he found himself in that position of misunderstanding. He argued that the East Bengal Legislature started functioning in July. He gave some date in July, 1947, when the Assembly actually met and transacted certain business, but I am certain he has not read the Provincial Legislative Assemblies Order promulgated on the 14th August, 1947, under which these new Provincial Legislative Assemblies of East Bengal and Punjab came into existence. If he had read that Order, I think the confusion would have been cleared and he would not have raised this point here at all. That Order very clearly says that as from the appointed day, the Members elected from East Bengal will form into a Legislative Assembly of East Bengal, and similar provision has been made for East Punjab and West Punjab. As from the appointed day, the appointed day has, again, been defined in that very Order as the 15th August, 1947. Therefore, the East Bengal Legislative Assembly did not come into existence before the 15th August, 1947. Therefore, all those meetings held in July, 1947, were those of the Members of the united Bengal Assembly. But persons who represented East Bengal then, happen to be in East Bengal at present. Therefore, the East Bengal Legislative Assembly as such, under the prevailing constitution came into existence on the 15th August, 1947 and not in July, 1947. The first meeting, after this reconstitution, was held on the 15th March, 1948, and not earlier; and that is the paragraph of Section 61, sub-section (2), which the Honourable the Leader of the Opposition has omitted to mention. In that paragraph again, it is mentioned that the period will start from the day on which the first meeting of the Legislative Assembly of a province is held after election or after reconstitution, and since this was the first meeting held on 15th March, 1948, the five years' period under Section 61, sub-section (2) expires on the 15th March, 1953, which I have already submitted in my remarks. There is, therefore, no confusion at all and it is quite in order—the Bill that I have moved is quite in order.

With regard to another complaint which the Leader of the Opposition made that I did not, while moving the Bills for the N.-W.F.P. or for the

Sind Assembly, include deliberately the amendments with regard to East Bengal, I wish to point out that if I had done that at that time, the Delimitation Committee might have been appointed earlier and the work could have been finished. The Honourable Prime Minister has already replied to that and I would remind my honourable friends that even at the time of moving those Bills for the Sind and the N.-W.F.P. Assemblies, they had found fault with me for having continued the present structure of elections, i.e., separate electorates. I would remind them that they had moved amendments even on them, although they did not seriously pursue them. Therefore, if I had included, East Bengal also, the main question of joint electorate and separate electorate would have come to the forefront straightaway. My friends then as Members of the Minorities Sub-Committee of the Constituent Assembly had not as yet arrived at any decision nor had any decision been taken at the Franchise Sub-Committee. Therefore, it was impossible for me to include East Bengal at the time when these two Bills were moved. As soon as the decision was taken by the Minorities Sub-Committee in favour of separate electorates, I had brought the Bill with regard to East Bengal Legislative Assembly and introduced the amendment of the Government of India Act. And when that was passed, I had appointed the Delimitation Committee for East Bengal. Therefore, there is no delay.

Prof. Raj Kumar Chakraverty (East Bengal : General) : That was a year ago.

The Honourable Pirzada Abdus Sattar Abdur Rahman : Yes, but you were a member of the Minority Sub-Committee. As I have said, it was appointed by the Constituent Assembly and that Sub-Committee had taken no decision on account of whether there should be joint or separate electorates. Therefore, I was bound to wait until that decision was taken. The Franchise Sub-Committee and the Basic Principles Committee took that decision subsequent to that and within a few days of their final decision I gave notice of amendment of the Government of India Act with regard to East Bengal and therein that question was raised which was a matter of controversy in this House—my honourable friends on the Opposition would remember that. Therefore, there has been no delay. The delay was because they were not able to take decision about joint or separate electorates and when that Bill was passed, Government of India Act was amended, the Delimitation Committee was appointed and all the stages are being gone through with the utmost speed.

Mr. President : I shall put the amendment of Mr. Nandy first of all to vote.

The question is :

“That the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st of March, 1953.”

The motion was negatived.

(After a pause.)

Mr. President : Then, I put the main motion to vote. The question is :

“That the Bill to provide for the continuance of the present Legislative Assembly of East Bengal be taken into consideration.”

The motion was adopted.

Mr. Bhabesh Chandra Nandy : Sir, I beg to move :

“That in clause 2 of the Bill, for the words and figures ‘fourteenth day of March 1954,’ occurring in the fifth line, the words, commas and figures ‘fourteenth day of September, 1953,’ be substituted.”

[Mr. Bhabesh Chandra Nandy.]

Sir, after the speeches made so long and after the remarks made by the Honourable Khwaja Nazimuddin, my speaking on this amendment will be almost ploughing in the sand; but still I feel it my duty and responsibility to bring before the Members of the House the real facts. I propose this amendment because I have reasons to doubt that even next March 14, 1954, they will not be able to have elections. I cannot understand if they really mean to hold elections, why they cannot expedite matters and get it done within the next three months.

The Honourable Pirzada Abdus Sattar Abdur Rahman: I will explain that.

Mr. Bhabesh Chandra Nandy: Sir, you know that this Delimitation Committee was set up about one year ago and very slowly they were collecting informations. Then, 30th December, 1952, was fixed as the last date for filing complaints against preliminary decisions. The complaints were collected. There were many complaints and they have been sent to the S. D. O.s in the sub-divisions for their opinion. There are many constituencies formed over more than one sub-division and so different S. D. O.s are to be consulted and in this way everything will be delayed. God knows when the report from the Sub-Divisional Officers will be received. When the report is received from the S. D. O.s the matter will go back to the Delimitation Committee and then the Delimitation Committee will consider those points, make the report final and send it to the Central Government for their approval. After that the constituencies will be formed and when the constituencies are formed, then the voters' list will be made. As you know, Sir, recently a circular has been issued to all the Municipalities and District Magistrates to revise the lists that have been already made. The idea is that those who did not attain the age of 21 years—the age of majority—last year, they might have attained that age now, so their names be included. I believe, when this report comes, some other suggestion will be sent forth to the District Magistrates to make some other amendment. So, reference after reference will be made and there is no knowing when this endless procedure will come to an end to make the list final. You know, Sir, when these preliminary lists are completed, then it will have to be hung up in some public places for 45 days and after that new suggestions will have to be incorporated and then the final list will be published. When the final list of constituencies is prepared, only then will come the question of preparation of electoral rolls. So, I am afraid, even if it is decided here, and even though Hon'ble Khwaja Nazimuddin may say every effort will be made to finish the elections by next March 1954, I have reasons to doubt that it will not be done even then. I may agree to believe that the spirit of the Government is really to get it done quickly, only if they adopt my amendment and try their very best to get it done within the next three or four months before the rains set in. Where there is a will there is a way. Where there is no will, all ways are blocked. I am afraid the S. D. O.s may not be able to give early report, because they are not able to devote much time to this extra work. So, my suggestion will be to fix 14th day of September, 1953, as the final date instead of 14th day of March, 1954, and thus give extension for six months. I quite agree that the month of September will not be proper month for the holding of elections, but I think if they want to do, they can get it done within next three months. Sir, in this connection, I would make a suggestion through you to the Honourable the Chief Minister of East Bengal that instead of trying to defer this matter in a shilly-shally

way and jeopardise his own position by trying to carry the dead weight of his Cabinet with him, he should rather hasten it up. He should rather take a bold stand and ask for fresh elections and take a bold and robust step in bringing East Bengal on a better footing of better standard of life, economic, social and political. So, I believe Honourable Members will understand the spirit in which I move this amendment and accept it.

Mr. President: Amendment moved :

"That in clause 2 of the Bill, for the words and figures 'fourteenth day of March, 1954,' occurring in the fifth line, the words, commas and figures 'fourteenth day of September, 1953,' be substituted."

Mr. Majumdar ! will you also like to move your amendment ?

Mr. Jnanendra Chandra Majumdar (East Bengal : General) : In view of the assurance given by the Prime Minister that elections shall be completed before March, 1954, I do not propose to move my amendment.

The Honourable Khwaja Nazimuddin : Thank you.

The Honourable Pirzada Abdus Sattar Abdur Rahman : Sir, I realise the anxiety of the honourable the mover of this amendment that the elections should be held as quickly as possible and I thought, Sir, he would have followed the example of Mr. Majumdar that after the assurance given by the Prime Minister that the elections will be held, it was no more necessary for him to move this amendment. Further, he remarked by moving this amendment that he could not understand why these elections could not be completed by September and therefore he had moved this amendment. The Hon'ble Member thinks that six months will be more than sufficient and therefore elections could be completed by then. I might tell him that even this, under the existing constitution and rules for holding elections, is not possible. He knows it that there are 309 constituencies in East Bengal and the Members of that Delimitation Committee have been added since last year. They were given three months at the outset to complete their preliminary report and they asked for an extension until 30th November by one month more. It was very reasonable to give and it was given to them. Thousands of objections have been raised by people, even including his own organisation, before the Delimitation Committee and they have to be disposed of properly and not summarily dismissed, otherwise my friend would have come here and again shouted that these people have been unfair and unreasonable because they have not taken cognizance of the objection. Therefore, Sir, to say that this should be hurriedly disposed of and everything should be completed before September I think would not be proper and correct. Again, Sir, according to the rules after the final report of the Delimitation Committee comes in, the Central Government have to consider it and finally publish the list. That will take some time because if there is anything wrong in the constituency the Hon'ble Member will hold us responsible. He will say that the Central Government have not exercised their powers properly. After the delimitation has been gazetted, then starts the preparation of the rolls because we cannot have preparation of the rolls until we know what the constituencies are going to be. But I wish to assure the House that in spite of this the East Bengal Government have taken action for the preparation of the electoral rolls and they are doing it thanawise or unionwise which is the unit over there. So we can see from this the anxiety of the East Bengal Government that they want to push the whole thing. That is why they prepared the electoral rolls in advance and after the delimitation has been done, the rules will have to be prepared.

[The Hon'ble Pirzada Abdus Sattar Abdur Rahman.]

It is a long procedure and if the rules are published without going properly through all the stages, they will say that people have not been admitted on the rolls and wrong things have been done. Therefore, unless we follow the statutory minimum periods that are laid down by the rules, proper elections cannot be held, as we have got to give time to call upon the constituency. After a fixed period we can call for the nomination papers and then hold elections. If my honourable friend had taken the trouble of going through all the stages that are statutory under the rules, he would find that it is impossible to finish before the 30th September. As I have assured my friend and the Hon'ble Prime Minister has given the assurance that not a single day more than it is absolutely necessary will be spent on holding these elections and that they will be held as soon as possible. The Honourable Member himself has said that from climatic point of view September will not be a proper month. The proper time will be December and January about which I had given a hint in the opening remarks when introducing this Bill for the consideration of the House. Sir, I wish to assure my honourable friends again that the utmost speed will be employed in holding this election. Therefore, Sir, I oppose this amendment.

Mr. President: The question is:

"That in clause 2 of the Bill, for the words and figures 'fourteenth day of March, 1954,' occurring in the fifth line, the words, commas and figures 'fourteenth day of September, 1953,' be substituted."

The motion was negatived.

Mr. President: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Pirzada Abdus Sattar Abdur Rahman: I move:

"That the Bill be passed."

Mr. President: The question is:

"That the Bill be passed."

The motion was adopted.

THE GOVERNMENT OF INDIA (AMENDMENT) BILL

The Honourable Pirzada Abdus Sattar Abdur Rahman (Sind: Muslim): Sir, I beg to introduce the Bill further to amend the Government of India Act, 1935 (Amendment of Section 33).

(After a pause.)

The Honourable Pirzada Abdus Sattar Abdur Rahman: Sir, I move:

"That the Bill further to amend the Government of India Act, 1935 (Amendment of Section 33), be taken into consideration."

This is a simple measure. It is already prevalent in this House that when the budget of the Constituent Assembly comes up for consideration it is discussed in the Constituent Assembly as constitution-making body and after it has been passed it is forwarded on to the Central Government for inclusion in the budget. It comes up to Legislature at the normal time. Now once the budget has been discussed by the Constituent

Assembly as constitution-making body, which is a supreme body, it was anomalous that it should again be criticised and discussed in the Legislature. Because the same members are there in both the Houses and when they have considered it once there is no reason why they should reconsider it for the second time when specially they are the same members. So, Sir, this measure is to give effect that after the Constituent Assembly have passed the budget it should be treated as a charged item in the normal budget when it comes before the Legislature.

Mr. President : Motion moved :

"That the Bill further to amend the Government of India Act, 1935 (Amendment of Section 33), be taken into consideration."

Mr. Abdulla al-Mahmood (East Bengal : Muslim) : *Sir, one point I would like to be clarified by the honourable the mover of the Bill is that in the Constituent Assembly there is no provision for the salary of the appointment of a Deputy President whereas in the case of Legislature there is a provision for the appointment of a Deputy President and his salary as well and also the necessary staff for it. May I know, Sir, whether it is in conflict with the procedure of the Legislature or not, if the provision for the appointment of the Deputy President as well as the salary of the Deputy President and the consequent staff necessary to carry on the business to be attached with the Deputy President comes in. Does it or does it not come under the purview of the Legislature for discussion?

The Honourable Pirzada Abdus Sattar Abdur Rahman : I think when it comes before the Legislature, the Honourable Member can raise this question and seek for your ruling. But this is not the proper time.

Mr. Bhabesh Chandra Nandy (East Bengal : General) : As the Honourable Mr. Pirzada has pointed out last year we had some discussion over this question as to whether the budget as passed by the Finance Committee of this Assembly would be discussed in the Legislature or not. I support this measure because I agree it should not be further discussed. But I suggest that the Finance Committee of the Assembly should be so constituted as not to be predominantly constituted of official members only because you know, Sir, that in the matters of budget discussion, Opposition members take keen part and they help to improve the thing. So my submission is this that when this Committee—Finance Committee—for the Constituent Assembly is constituted, a good deal of care should be taken in seeing that the members of the Committee should not be predominantly representatives from the official Benches only.

Mr. President : The question is :

"That the Bill further to amend the Government of India Act, 1935 (Amendment of Section 33), be taken into consideration."

The motion was adopted.

The Honourable Pirzada Abdus Sattar Abdur Rahman : Sir, I move :

"That for sub-clause (1) of clause 1 of the Bill, the following sub-clause be substituted, namely :—

'(1) This Act may be called the Government of India (Amendment) Act, 1953'."

Mr. President : I will come to it later on. Let us take up clause 2 first.

Clause 2 was added to the Bill.

* Speech not corrected by the Honourable Member.

The Honourable Pirzada Abdus Sattar Abdur Rahman : Sir, I move :

"That for sub-clause (1) of clause 1 of the Bill, the following sub-clause be substituted, namely :—

'(1) This Act may be called the Government of India (Amendment) Act, 1953'."

Mr. President : The question is :

"That for sub-clause (1) of clause 1 of the Bill, the following sub-clause be substituted, namely :—

'(1) This Act may be called the Government of India (Amendment) Act, 1953'."

The motion was adopted.

Mr. President : The question is :

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Pirzada Abdus Sattar Abdur Rahman : Sir, I move :

"That the Bill, as amended, be passed."

Mr. President : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

THE GOVERNMENT OF INDIA (SECOND AMENDMENT) BILL

The Honourable Pirzada Abdus Sattar Abdur Rahman (Sind : Muslim) : Sir, I move :

"That the Bill further to amend the Government of India Act, 1935 (Amendment of Section 202) be taken into consideration."

Sir, I had introduced this Bill in the last session. It relates to a verbal amendment of section 202 whereby power to appoint temporary Judges is given in the case when the appointment becomes vacant, so that if the appointment is already there but is unfilled, doubt was expressed whether it had become vacant. Therefore it is sought to change these words "has become" to "is" so that when the appointment is vacant and unfilled the temporary appointment may be made.

Mr. President : The question is :

"That the Bill further to amend the Government of India Act, 1935 (Amendment of Section 202) be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

The Honourable Pirzada Abdus Sattar Abdur Rahman : Sir, I beg to move :

"That for sub-clause (1) of clause 1 of the Bill the following sub-clause be substituted, namely :—

'(1) This Act may be called the Government of India (Second Amendment) Act, 1953'."

Mr. President : The question is :

“That for sub-clause (1) of clause 1 of the Bill the following sub-clause be substituted, namely :—

‘ (1) This Act may be called the Government of India (Second Amendment) Act, 1953 ’.”

The motion was adopted.

Mr. President : The question is :

“That clause 1, as amended, stand part of the Bill.”

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Pirzada Abdus Sattar Abdur Rahman : Sir, I move :

“That the Bill, as amended, be passed.”

Mr. President : The question is :

“That the Bill, as amended, be passed.”

The motion was adopted.

Mr. President : That finishes the business before the House. I think it is the desire of the House that the Assembly should be adjourned *sine die*.

The House was then adjourned *sine die*.

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